

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

October 23, 2019 12:02 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: mkc SCANNED BY: JW /10-23-19JAMES OSAKWE WHITE

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

CITY OF GRAND RAPIDSGrand Rapids Police Officer Kenneth BrownGrand Rapids Police Officer Briana Pierson

(Enter above the full name of the defendant or defendants in this action.)

1:19-cv-877

Paul L. Maloney - U.S. District Judge
Phillip J. Green - U.S. Magistrate JudgeCOMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: _____

II. Place of Present Confinement

Kent County Jail

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

I was a free citizen at that time. Present confinement due to charge stemming from the occurrence subject of instant lawsuit.

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

**Instructions for Filing a Complaint by a Prisoner
Under the Civil Rights Act, 42 U.S.C. § 1983**

The clerk of the court will not file your complaint unless it conforms to the following instructions.

IF YOU ARE IN THE CUSTODY OF THE MICHIGAN DEPARTMENT OF CORRECTIONS:

To start an action, you must file an original complaint and one copy for the court. All copies of the complaint must be identical to the original. If you are providing exhibits, you must file two copies with your complaint. You also should keep a copy of the complaint and exhibits for your own records. If the court determines that the complaint should be served on one or more defendant, the court will specifically order you to provide further copies for this purpose. Until ordered to do so, do not submit to the court copies of the complaint or exhibits for purposes of service on the defendants.

IF YOU ARE NOT IN THE CUSTODY OF THE MICHIGAN DEPARTMENT OF CORRECTIONS: To start an action, you must file an original complaint, one copy for the court and an additional copy for each defendant. All copies of the complaint must be identical to the original. If you are providing exhibits, you must file a copy for each of the defendants. You also should keep a copy of the complaint and exhibits for your own records.

INSTRUCTIONS FOR ALL FILERS: In order for this complaint to be filed, it must be accompanied by the civil action filing fee of \$400.00. In addition, the United States Marshal will require you to pay the cost of serving the complaint on each of the defendants.

If you are unable to prepay the filing fee and service costs for this action, you must petition the court to proceed *in forma pauperis* by completing and signing the attached affidavit. You must also have an authorized officer at the penal institution complete a certificate as to the amount of money and securities on deposit to your credit in your institutional account for the six months immediately preceding the filing of the complaint. **If the court grants you leave to proceed *in forma pauperis*, the civil action filing fee is reduced from \$400.00 to \$350.00, and you will be required to pay the \$350.00 fee through an initial partial filing fee and through monthly installments.**

Your complaint must be legibly handwritten or typewritten. You, the plaintiff(s), must sign and date the complaint on the last page. If you need additional space to completely answer a question, you must attach additional pages. Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, you must file a separate complaint for each claim that you have unless they are all related to the same incident or issue.

You are required to furnish, so that the United States Marshal can complete service, the **correct name and address of each person you have named as a defendant**. A PLAINTIFF IS REQUIRED TO GIVE INFORMATION TO THE UNITED STATES MARSHAL TO ENABLE THE MARSHAL TO COMPLETE SERVICE OF THE COMPLAINT UPON ALL PERSONS NAMED AS DEFENDANTS.

You will note that you are required to give facts. **THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

When these forms are completed, mail the original and copies to the Clerk of the United States District Court for the Western District of Michigan at any of the addresses below:

U.S. District Court
399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

U.S. District Court
330 Federal Building
P.O. Box 698
Marquette, MI 49855

U.S. District Court
107 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

U.S. District Court
113 Federal Building
315 W. Allegan
Lansing, MI 48933

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff James Osakwe White
 Address Kent Co. Jail, 703 Ball N.E., Grand Rapids, MI. 49503

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 CITY OF GRAND RAPIDS

Position or Title Employer

Place of Employment _____

Address Grand Rapids City Hall, 300 Monroe Ave. N.W., Grand Rapids, MI. 49503

Official and/or personal capacity? Official

Name of Defendant #2 Kenneth Brown #039

Position or Title Police Officer

Place of Employment Grand Rapids Police Department

Address 1 Monroe Center N.W., Grand Rapids, MI. 49503

Official and/or personal capacity? Official

Name of Defendant #3 Briana Pierson #214

Position or Title Police Officer

Place of Employment Grand Rapids Police Department

Address 1 Monroe Center N.W., Grand Rapids, MI. 49503

Official and/or personal capacity? Official

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On the morning of August 3, 2019, The Grand Rapids Police Department got a 911 hang up call. The 911 dispatcher advised the police that there was a male and female heard arguing on the call. Grand Rapids Police Officer Kenneth Brown and Briana Pierson were dispatched to this 911 hang up call at 756 Richmond N.W. Officer Briana Pierson states in her police report that, "upon arrival she stood on the rear porch of apartment 1A of building at 756 Richmond N.W. and heard a male arguing with someone inside. Upon knocking on the door no one would answer". Officer Brown and Pierson walked around to the front common area hallway entry way. And kicked me James White, the plaintiff to wake me up. Here they found me sleep. I, the plaintiff was not the reason police were called, and was sleep when police approached me. I told Grand Rapids Police Officers Brown and Pierson I didn't know what was going on, and stated, "I didn't want to talk with them", and attempted to walk away. My Constitutional and Civil Rights were then violated. Where I was assaulted and illegally seized by the Grand Rapids Police Officers unconstitutional acts. Then falsely charged with Assaulting/Resisting/Obstructing Causing Injury. Pictures were taken of my injuries I received from the police, by the police. As well as documented medical care to my wound by the Kent County Jail Medical Staff. Also the Grand Rapids Police refused to provide me with medical care for my wounds. Wounds documented in police report. These wounds occurred upon the police seizing me and place me in handcuffs.

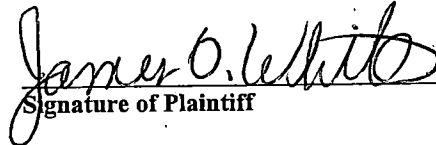
V. Relief

State briefly and precisely what you want the court to do for you.

I want to proceed with a Civil Tort Action against the City of Grand Rapids in the United States District Court Western District of Michigan. To receive monetary compensation for damages, in the amount of \$250,000⁰⁰. For the physical and emotional abuse I received while being improperly arrested by Grand Rapids Police Officers Briana Pierson and Kenneth Brown, As well as damages for wrongful incarceration, Stemming from unconstitutional police conduct and constitutional right violations while in the official capacity as employees of the city of Grand Rapids.

10/15/19

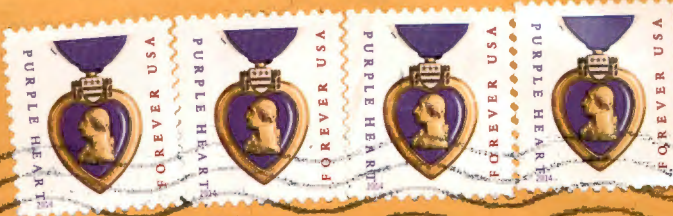
Date



Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.



Grand Rapids, Michigan

49599

Date: 10/21/19 AN

re Clerk

District Court

Building

an N.W.

ds, MI, 49503



James B. White
% Kent County Jail
703 Ball N.E.
Grand Rapids, MI. 49503

This mail originates
from the
Kent County Correctional Facility

Office of
United States
399 Federal
110 Michig
Grand Rapids

1/10